

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 ANTHONY AVERITT,

9 Plaintiff,

10 CASE NO. C10-5249BHS

11 v.

12 CITY OF TACOMA,

13 Defendant.

14 ORDER ADOPTING REPORT
15 AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation of the
17 Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 9). The Court
18 having considered the Report and Recommendation and the remaining record, and no
19 objections having been filed, does hereby find and order as follows:

- 20 (1) The Report and Recommendation is **ADOPTED**;
- 21 (2) This action is **DISMISSED without prejudice** due to Plaintiff's failure to
22 prosecute, failure to respond to court orders, and failure to perfect service,
23 as required by the Federal Rules of Civil Procedure.

24 DATED this 3rd day of December, 2010.

25 
26 _____
27 BENJAMIN H. SETTLE
28 United States District Judge

ORDER